

## **DAVID RUSSELL SOLICITOR**

For many years David Russell a solicitor with [Towells Solicitors of Wakefield](#) has vociferously defended Peter Swann, Martin Leadbetter and the SCRO experts against claims that they made erroneous fingerprint identifications in relation to the SCRO fingerprint debacle.

In doing this he has made many allegations against anyone he saw as in any way criticising his 'clients'.

He has been scathing in his criticism of myself, Shirley and experts like Pat Wertheim, Arie Zeelenberg and the hundreds of other experts across the world who 'dared' oppose his views.

I would argue that in doing so his objectivity deserted him and he became psychologically and emotionally caught up in a personal 'win at all costs' battle. Such was his venom that at times he totally failed to exhibit the behaviour we could have expected from an able lawyer justifiably defending his 'client's' interests.

Mr Russell attended a number of sessions of the 'Fingerprint Inquiry' last year and during the course of documentary and verbal submissions continued his assault on anyone and everyone who dared offer a view different from his own.

When the inquiry finished Andrew Smith QC who represents Shirley and myself made an official complaint to the [Solicitors Regulation Authority](#).

A précis of the allegations and findings is shown below.

### **ALLEGATIONS**

*That David Arnot Russell, during submissions made at the Fingerprint Inquiry, made comments about the conduct of and submissions made by Andrew Smith QC which were improper and intemperate and in so doing acted in a way likely to diminish the trust the public places in him and the legal profession and thus acted in breach of Rule 1.06 Solicitors Code of Conduct 2007.*

*That David Arnot Russell made comments during submission at the Fingerprint inquiry which were scandalous or intended to insult thereby acting in breach of Rule 11.05 Solicitors Code of Conduct 2007.*

### **FINDINGS**

*That David Arnot Russell has acted in breach of Rule 1.06 Solicitors Code of Conduct 2007.*

*That David Arnot Russell has not acted in breach of Rule 11.05 Solicitors Code of Conduct 2007.*

## **CONCLUSIONS**

*'The committee considered that whilst Mr Russell was entitled to express his reasonable beliefs robustly he should have expressed those views in a balanced, temperate and professional manner.*

*The committee found that the manner in which Mr Russell expressed his views was inflammatory, intemperate and wholly inappropriate. Mr Russell! had not conducted himself in the manner expected of a solicitor and advocate,*

*The committee was of the view that Mr Russell had acted in a manner which would diminish public confidence. They therefore upheld the finding of breach of Rule 1.06 and were of the view that the warning should stand.'*

The full judgement can be found at:

<http://www.shirleymckie.com/documents/Russelldecision.pdf>

<http://clpex.com/phpBB/viewtopic.php?f=2&t=1397&p=13400#p13400>

It is arguable that over the years Mr Russell badly harmed his 'clients' case by behaving as he did. We now await the findings of the Fingerprint Inquiry to ascertain how his 'clients' got things so badly wrong. Is it too much to hope that Mr Russell will see fit to apologise for his behaviour and perhaps regain some of his professional credibility.

**P.S.** It might interest readers to know that following a scandal in which some English legal firms were accused of ripping off workers when handling industrial disease claims 'The Times' ran a critical article but clearly did not include Mr Russell and Towells in that criticism.

*"Had he sought a more appropriate way of handling miners' hearing-loss claims he could have looked at Towells, a firm in Wakefield that has handled more than 20,000 cases without once deducting money from a client's damages. "When a solicitor is handling cases in bulk like this it is an enormously profitable enterprise," David Russell, Towells' senior partner, said. "As far as we're concerned there can be no justification for deducting anything."*

Shows that they can get it right. I wonder why good practice and judgement so deserted them in this case?